

REMARKS

Claims 2-18 are pending in this application after this amendment. Claim 2 is independent. New claims 15-18 are presented for consideration by the Examiner. No new matter has been added by the addition of new claims 15-18. In light of the remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 2, 4-5, 7 and 11-13 under 35 U.S.C. §103(a) as being unpatentable over Lin (USP 6,108,437) in view of Dobashi (U.S. Patent Application Publication No. 2002/0126880); rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and further in view of Lobo (USP 5,781,650); rejected claims 6 and 9-10 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and Lobo and further in view of Okazaki et al. (U.S. Patent Application Publication No. 2002/0176610); rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and Lobo et al. and further in view of Prokoski et al. (USP 5,163,094); and rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi and further in view of Colmenarez et al. (U.S. Patent Application Publication No. 2002/0167403). Applicant respectfully traverses these rejections.

Claim Rejections – 35 U.S.C. §103

The invention of claim 2 recites an apparatus including a comparing unit to compare a user's face-picture taken by the image pickup unit with a face-picture of a particular person, who is categorized as suspected and held in advance. The apparatus further includes an authentication unit for deciding whether a user's face picture is identical with the face-picture of the user by a method stricter than the method used before. In other words, the apparatus (i) compares user's face-picture (A) with the face-picture of "a particular person, who is categorized as suspected" (B); and (ii) compares the user's face-picture (A) with the registered face-picture of the user (C).

The judgment criteria of the claimed invention (ii), as noted above, is modified by the results of (i) so that the accuracy or efficiency of (ii) can be improved. This patentable feature

allows the personal authentication apparatus to be used accurately and efficiently in situations where it is highly probable that such suspected person would be cleverly disguised as another person.

In contrast, elements 905-919 and element 401, relied upon by the Examiner and depicted in Fig. 9 of Lin, are used for the user's face-picture (A) with the registered face picture of the user (C).

Regarding Dobashi, recognition section 107 is used for recognizing the user's face-picture (A) taken by image input section 105 with the registered face-picture of the user (C) held in registration information holding section 109. In the same manner, Lobo, Okazaki, Prokoski, and Colmenarez all merely disclose comparing the user's face-picture (A) with the registered face-picture of the user (C). None of the cited references teach or suggest comparing user's face-picture (A) with the face-picture of a particular person, who is categorized as suspected (B), as required by the claim.

As none of the cited references teach or suggest comparing user's face-picture (A) with the face-picture of a particular person, who is categorized as suspected (B), claim 1 is patentable over the references cited.

It is respectfully submitted that claims 3-18 are allowable for the reasons set forth above based upon their dependency on claim 2.

Conclusion

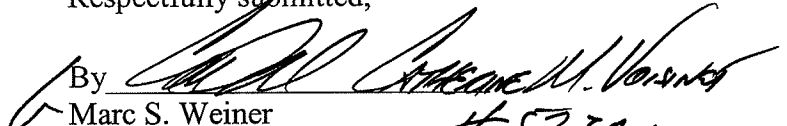
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 31, 2007

Respectfully submitted,

By 
Marc S. Weiner
Registration No.: 32,181 #52324
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant